

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>AKQA, INC.,</b>  <div style="text-align: center;"><b>Plaintiff,</b></div>  <div style="text-align: center;"><b>vs.</b></div>  <b>INFOUSA, INC.,</b>  <div style="text-align: center;"><b>Defendant.</b></div>	) ) ) ) ) ) ) ) ) )	<b>8:04CV234</b>  <b>ORDER</b>
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This matter is before the court on the plaintiff's Unopposed Motion for Enlargement of Time (Filing No. 49). The plaintiff seeks an extension of time for the plaintiff's expert disclosures from September 15, 2005, to October 31, 2005, and an extension of time for the defendant's expert disclosures from November 15, 2005, to December 1, 2005. The plaintiff asks for the enlargements of time because of the parties' pending mediation before the undersigned magistrate judge. The plaintiff represents the defendant has no objection to the extensions. Upon consideration and for good cause shown,

**IT IS ORDERED:**

1. The plaintiff's Unopposed Motion for Enlargement of Time (Filing No. 49) is granted. The Final Progression Order (Filing No. 40) is amended as set forth below.
2. **Disclosure of Expert Witnesses.**<sup>1</sup> The plaintiff shall, as soon as practicable but **not later than October 31, 2005**, serve the defendant with the statement required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial pursuant to the provisions of Rule 702, 703 or 705 of the Federal Rules of Evidence. The defendant shall serve the plaintiff with its statement of the expert witnesses it expects to call to testify pursuant to Rule 702, 703 or 705 of the Federal Rules of Evidence, pursuant to Fed. R. Civ.

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<sup>1</sup>Generally, a treating physician shall not be deemed to be "retained or specially employed to provide expert testimony in a case" within the meaning of Fed. R. Civ. P. 26(a)(2)(B), but a treating physician must be identified pursuant to Fed. R. Civ. P. 26(a)(2)(A).

P. 26(a)(2) as soon thereafter as practicable, but **not later than December 1, 2005**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a party may disclose additional expert witnesses **not later than December 15, 2005**, provided that the disclosing party then provides all of the information described in Fed. R. Civ. P. Rule 26(a)(2) and makes the expert witness available for deposition prior to the date set for completion of deposition. Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in Fed. R. Civ. P. 26(e). The testimony of the expert at trial shall be limited to the information disclosed in accordance with this paragraph.

DATED this 8th day of September, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge